

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
RICKY DALE HENSON  
Defendant.

NO. CR-06-2029-LRS

ORDER **DENYING** DEFENDANT'S  
MOTION TO DISMISS, **GRANTING**  
MOTION TO COMPEL GRAND JURY  
TRANSCRIPTS, MOTION FOR  
DISCOVERY, MOTION TO DISCLOSE  
EVIDENCE

The Court heard oral argument on April 27, 2006 on Defendant's Defendant's Motion to Dismiss (Ct. Rec. 28), Defendant's Motion to Sever Counts (Ct. Rec. 30), Defendant's Motion to Compel Grand Jury Transcripts (Ct. Rec. 33, Defendant's Motion for Discovery (Ct. Rec. 35), and Defendant's Motion to Disclose Evidence Pursuant to Rules 404 and 609 (Ct. 37). The Court granted the Defendant's request for an evidentiary hearing on Defendant's Motion to Suppress (Ct. Rec. 26), and the hearing was held on May 8, 2006. At the instant hearings, Defendant Henson, who is in custody, was present and represented by Rebecca Pennell; Assistant United States Attorney James Hagarty represented the Government.

The Court, having considered all papers filed in support of and in opposition to the Defendant's motions, and having had the benefit

1 of oral argument, the Court orally ruled upon all pending motions,  
2 other than the Motion to Suppress and the Motion to Sever on April 27,  
3 2006. On May 8, 2006, Defendant withdrew his motion to sever. The  
4 Court will issue a separate order concerning Defendant's Motion to  
5 Suppress. (Ct. Rec. 26). This Order is entered to memorialize and  
6 supplement the oral rulings of the Court made on April 27, 2006 and  
7 May 8, 2006.

8 1. Defendant's Motion to Dismiss (Ct. Rec. 28) is **DENIED**.

9 2. Defendant's Motion to Sever (Ct. Rec. 30) is **DENIED AS MOOT**

10 because the Defendant withdrew his motion in open court on May 8,  
11 2006.

12 3. Defendant's Motion to Compel Grand Jury Transcripts (Ct. Rec.  
13 33) is **GRANTED**, subject to the government providing them to the  
14 Defendant seven calendar days before trial.

15 4. Defendant's Motion for Discovery (Ct. Rec. 35) is **GRANTED**.

16 However, based on the government's representations, it appears the  
17 materials have already been provided. Any expert reports should be  
18 provided **NO LATER THAN June 5, 2006**.

19 5. Defendant's Motion to Disclose Evidence Pursuant to Rules 404  
20 and 609 (Ct. Rec. 37) is **GRANTED**. However, it appears this information  
21 has already been disclosed in light of the government's  
22 representations.

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1 **IT IS SO ORDERED.** The District Court Executive is directed to enter  
2 this order and to provide copies to all counsel.

3 **DATED** this 8<sup>th</sup> day of May, 2006.

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6 S/ Lonny R. Sukko  
LONNY R. SUKCO  
United States District Judge

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